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South Carolina House of Representatives

J. Johnson
Landrum

Legislative Update

David H. Wilkins, Speaker of the House

Vol. 14

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No. 1

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WEEK IN REVIEW

HOUSE

On Tuesday, January 14, the one hundred twelfth General Assembly convened in the state's capital. In its first week of business, the South Carolina House of Representatives focused primarily on redrawing twenty-three election districts for the House and amending its rules of procedure.

On Wednesday, January 15, the Judiciary Committee sent the House reapportionment plan, H.3002, to the House floor. The next day the bill was set for special order, amended, and read the second time. September's U.S. District Court ruling which declared six House districts and three Senate districts unconstitutional set an April 1, 1997 deadline for preclearance by the U.S. Department of Justice for a remedial redistricting plan adopted by the General Assembly. Should the General Assembly fail to obtain preclearance by the deadline, the court will put in place a remedial plan of its own design.

The District Court found that House Districts 12, 54, 82, 91, 103, and 121 were drawn with racial composition as a predominant factor which outweighed such traditional districting concerns as compactness of shape and integrity of local government units. Configurations of districts as drawn under H.3002 aim for greater compactness and fewer divisions of traditionally whole cities and counties. The plan eliminates or makes broader and more regular many of the appendages criticized by the justices for reaching from one county into its neighbor. Where municipalities that were traditionally contained in single districts remain divided, dividing lines are correlated with testimony gathered in public hearings which indicate the existence of distinct, disparate communities of interest. Pending approval, the plan requires special elections in twenty-three districts (Districts 11, 12, 13, 14, 39, 53, 54, 55, 81, 82, 83, 84, 86, 90, 91, 101, 103, 106, 108, 120, 121, 122, and 124) affecting residents in the following counties: Abbeville, Anderson, Greenwood, McCormick, Saluda, Laurens, Lexington, Chesterfield, Marlboro, Dillon, Aiken, Edgefield, Orangeburg, Bamberg, Barnwell, Colleton, Allendale, Williamsburg, Georgetown, Horry, Hampton, and Jasper. The deadline for filing notice of candidacy is set for June sixteenth, primary elections are scheduled for the second Tuesday in August, and special elections will occur on the first Tuesday following the first Monday in November.

The Rules Committee introduced a House Resolution, H.3244, proposing changes to the House's procedural rules which had been adopted during the December 1996 Organizational Session. These changes were considered and adopted with an amendment on Wednesday, January 15. Many of the changes were technical, designed to achieve better organization, conform the Rules to precedents and practice, modernize language, and correct inaccurate references. Some of the more significant provisions are as follows.

Rule 3.7 was revised to prohibit anyone, while on the House floor during session, concerning himself or herself with the passage or consideration of any matter, unless they are sitting members of the General Assembly or House staff. House staff are allowed to involve themselves only in the "usual and ordinary performance of their duties as an employee of the

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House," and they are specifically prohibited from taking a "personal" interest in the passage or consideration of any measure.

Rule 4.8 was amended to grant the Speaker discretion to commit a House Bill or Joint Resolution to a committee, if the legislation has been returned from the Senate with an amendment that materially changes the bill's contents, so that the amended bill is no longer substantially germane to the legislation as it passed the House. If the Speaker makes such a referral, the committee of reference may report the bill out with a recommendation. The bill is then required to be placed on the Calendar under second reading and proceed through the Calendar.

Rule 5.17 was amended to allow members to "request debate" on legislation. "Requests for debate" and "objections" to a bill may be combined, so that alone or in combination, five will place a statewide bill on the Contested Calendar and three will place a local bill on the Contested Calendar.

Rule 5.3 was amended to tighten the standard, which Part II provisos (permanent statutes) in General and Supplemental Appropriation Bills must satisfy to be germane. Rather than only having to directly relate to an appropriation being made or revenue provided, Part II provisos under the amended Rule must relate directly to the "purpose" of an appropriation or revenue.

The amendments also eliminate pairing of votes, require the motion to resolve the House into a Committee of the Whole to specify the subjects to be considered and limit the Committee of the Whole to discussing only subjects specified in the motion, allow the House to amend its Rules by simple majority during January of both years of a two year session, eliminate delayed cloture, delete provisions for automatic adjournment at 2:15 p.m. on Tuesdays during the first six weeks of the session and for automatic recess for lunch, allow only one motion at a time and no substitute motives during the motion period, allow consideration of legislation by the House after the legislation's referral to committee without waiting for one week, and provide that immediate consideration of House or Concurrent Resolutions concerning Sine Die Adjournment may not be prevented by five objections.

SENATE

The Senate's agenda on Tuesday, January 14, was organization, which was highlighted by election of officers, selection of committee assignments, election of committee chairs, and adoption of Senate rules.

The most significant rule change adopted by the Senate was elimination of the Lieutenant Governor's power to appoint members on committees of conference and free conference (part of Rule 19). Those appointments will now be determined by the President *Pro Tempore* of the Senate in consultation with the chairman of the committee with jurisdiction over the bill which is the subject of the request for appointment of a conference committee. The Senate also passed rules changes requiring more votes to end filibusters and requiring senators to wait four hours, instead of thirty minutes, to attempt to end a filibuster.

BILLS INTRODUCED

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

H.3015 HUNTING, FISHING, OR TRAPPING WITHOUT CONSENT Rep. Kirsh

This bill increases the fines for hunting, fishing, or trapping on land without the consent of the land owner or manager. A person convicted of a first offense would be fined \$500.00 or imprisoned for a maximum of 30 days. The penalty for a second offense would be a fine ranging from \$500.00 to \$750.00 or imprisonment for no more than 30 days. The penalty for a third or subsequent offense would be a fine of at least \$1,000.00 or imprisonment for six months, or both. "Ranging" is deleted from the list of activities subject to fine or imprisonment.

H.3043 STANDING/SITTING IN OPEN BED OF PICKUP TRUCK Rep. Cromer

This bill prohibits persons under the age of fifteen from standing or sitting in the open bed of a pickup truck or trailer which is traveling over 25 miles per hour on a public road or highway. Exception is made when the vehicle is being used for hunting, for an agricultural enterprise, or for an organized hay ride or parade. This bill also provides that an operator of a vehicle in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined a maximum of twenty-five hundred dollars or imprisoned for a maximum of thirty days, or both.

H.3065 KILLING BIRDS OF PREY Rep. Limehouse

Current law forbids the molesting or killing of birds of prey in South Carolina, with violators subject to a maximum fine of \$100.00 or imprisonment for no more than 30 days. This bill states that if the bird of prey killed or molested is a bald eagle, the person committing the offense is guilty of a misdemeanor subject to a fine ranging from \$100.00 to \$500.00 or imprisonment for at least 30 days (not exceeding 1 year). A person who kills a bald eagle would lose his hunting privileges in South Carolina for a period of 15 years from the date of conviction, while a person convicted of molesting a bald eagle would lose his hunting privilege for 5 years.

H.3078 PROHIBITIONS ON SMOKING Rep. Inabinett

This bill would make smoking in a barbershop or a beauty salon a violation of the Clean Indoor Air Act. Upon conviction, a violator would face a fine ranging from \$10.00 to \$25.00.

H.3125 STERILIZATION OF DOGS AND CATS Rep. Seithel

This bill requires public or private animal shelters, animal refuges, or humane societies to have all dogs or cats sterilized before relinquishing custody of the animal. This section would not apply to a privately owned animal which the agency has in its possession if the owner presents evidence that the animal is his property. All costs of sterilization would be the responsibility of the person acquiring the animal. Violators of this section would be subject to a maximum fine of \$200.00.

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H.3133 SHRIMPING OVER A BAITED AREA Rep. Seithel

S.C. Code Section 50-17-660 sets forth several requirements for catching or taking shrimp over a baited area. This bill clarifies that this section does not prevent a person from using a private dock to shrimp over bait as long as the person's permit number is clearly displayed on the dock.

H.3134 HUNTING BIG GAME Rep. Wilkes

This bill prohibits the shooting or hunting of big game from any public, paved road or within 50 feet of the edge of the pavement of any paved road in Game Zone 1, 2, or 4. No person could hunt from any unpaved road unless he has permission to hunt on adjacent property. Violators would be subject to a fine of at least \$100.00 or imprisonment for no more than 30 days.

H.3135 WILDLIFE PHOTOGRAPHS AS EVIDENCE Rep. Webb

This bill states that a photograph of wildlife or fish allegedly taken, possessed, sold, transported or imported illegally is considered competent and admissible evidence of the wildlife or fish in any prosecution for a violation of State wildlife laws. After the photograph has been authenticated and admitted, it would constitute substantive evidence.

H.3136 RETRIEVING A DOG ON A RIGHT OF WAY Rep. Sharpe

This bill provides that in Game Zones 3,5,6,7,8,9,10, and 11, no one may hunt or shoot from, onto, or across the right-of-way of a road or railroad, or supervise, release, catch, or retrieve a dog on a right-of-way of any public, paved road. A person could catch or retrieve a dog if his weapon is unloaded and secured in a weapon case, locked in a trunk, or locked in a toolbox.

H.3142 SIZE OF SINGLE-BARBED SET HOOKS Rep. Witherspoon

Current law allows the use of live nongame fish with 9/0 or larger single-barbed set hooks on the Edisto River. This bill would allow the use of single-barbed set hooks that have a shank-to-point gap of 1-3/16 (one and three-sixteenths) inches or greater on the Edisto River.

H.3155 SALE OF WILDLIFE Rep. Witherspoon

This bill makes it unlawful to buy, sell, or possess for sale any wildlife native to this State, unless such activity is specifically permitted by law. For each violation, a person would forfeit the wildlife and pay a fine not to exceed \$1,000.00 or be imprisoned up to 180 days, or both.

H.3156 LICENSURE AND REGULATION OF FORESTERS Rep. Young-Brickell

This bill rewrites the chapter of the South Carolina Code dealing with the licensing and regulation of foresters to conform the chapter to the organization and administrative framework for licensing boards in Chapter 1, Title 40. Applicants for licensure as a registered forester could have a bachelor of science degree or an advanced degree and have a record of two or more years' experience in forestry. Applicants without a degree could take a written exam and show a record of six years or more practice in forestry. After June 30, 2003, the bill requires all applicants to have a bachelor of science degree or an advanced degree.

The bill also sets forth the procedures for license renewal and the duties of the Board of Registration for Foresters. In addition, the bill states that no licensed forester may perform service considered to be the practice of forestry without having a written contract with the recipient of the services.

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H.3160 CONFISCATED AND UNCLAIMED PROPERTY Rep. Witherspoon

This bill would authorize the Department of Natural Resources (D.N.R.) to administratively release to an innocent owner or lienholder of the property any vehicle, boat, firearm, or hunting device confiscated from a person charged with a violation of the game or fish provisions of the S.C. Code. D.N.R. could maintain or dispose of any property that an innocent owner or lienholder fails to recover.

H.3180 CATCH AND POSSESSION LIMITS ON SHRIMP Rep. Witherspoon

This bill is designed to protect the State's overwintering shrimp stocks by imposing catch and possession limits on shrimp and revising the penalties for violations. The legislation states that from May 1 through December 15, no person may have in his possession more than 48 quarts of whole shrimp or 29 quarts of headed shrimp while upon the waters of this State or the lands adjacent to the waters. The possession limit would be 96 quarts of whole shrimp or 58 quarts of headed shrimp while not on the waters of this State or land adjacent to the waters unless a person has a bill of lading or a receipt showing that the shrimp were purchased from a licensed dealer. This section would not apply to a lawfully acting licensed trawler, seafood dealer, or bait dealer.

From December 16 through April 30, no person could have in his possession more than 12 dozen shrimp while upon the waters of the State. When a boat is used to catch or transport shrimp, one limit would be allowed among all persons in the boat. These limitations would not apply to a lawfully acting licensed trawler or dealer; however, during this time period no trawler could have a cast net or other recreational shrimping gear aboard. Licensed charter fishing vessels could not have aboard more than a total of 25 shrimp while upon the waters of this State during this period. A person or captain of a charter fishing vessel who violates this section would be subject to a fine or imprisonment for a first offense; for a second offense, in addition to a fine or imprisonment, the boat, fishing devices, and the shrimp would be seized and forfeited. In addition, the person's coastal fishing privileges would be suspended for one year from date of conviction. A bait dealer who violates this section would be subject to a fine or imprisonment for a first offense; for a second offense, the bait dealer would have his privilege to harvest or distribute bait suspended for one year from the date of conviction.

Additionally, the bill states that any bait dealer harvesting live shrimp to be sold as bait must be licensed and certified by the Department of Natural Resources. The bait dealer also must have a live bait tank aboard the harvesting vessel and may not have dead shrimp on board.

H.3201 STATEWIDE ANIMAL CONTROL ACT Rep. Scott

This bill, entitled the Statewide Animal Control Act, describes when an animal is a nuisance and requires all dogs and cats to have identification so their owner may be identified. Show cats or dogs, while being groomed or shown, or hunting dogs, while being worked, would not be required to wear their rabies tag. A dog or cat on the owner's premises would not be required to wear a harness or collar with its rabies tag attached. An animal control officer could impound animals whose owners are in violation of this section and could issue a citation to the animal's owner.

The bill prohibits a person from owning a wild or vicious animal for display or exhibition purposes (this provision does not apply to zoological parks, animal exhibits, or circuses), and

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makes it unlawful to award an animal as a prize. The bill also states that no one may confine an animal in a motor vehicle without sufficient ventilation or transport an animal in the back of an open pick-up truck unless the animal is secured in an enclosed container. Violators of these provisions are subject to a \$200.00 fine and/or imprisonment for not more than 30 days. Each day a violation continues constitutes a separate offense.

H.3260 SALE OF VENISON IN EATING ESTABLISHMENTS Rep. Witherspoon

Current law prohibits the sale of venison in a restaurant. This bill would allow the proprietor of an eating establishment to offer venison for sale only if the venison is nonnative, from farm-raised deer, and processed through a government-approved facility. The venison could be sold as a separately prepared item or mixed with other items offered by the establishment.

EDUCATION AND PUBLIC WORKS

H.3007 DRIVER'S LICENSES/PERMITS Rep. Cooper

This bill raises the minimum age for obtaining a motor vehicle driver's license from sixteen to seventeen, and raises the minimum age for obtaining a special restricted driver's license from fifteen to sixteen. The bill also provides conditions and restrictions which must be observed by anyone driving with a beginner's permit. These conditions include raising the minimum age for the required accompanying driver from eighteen to twenty-one. The bill also provides that a person completing a driver training course must be issued a certificate of completion, and a person driving under a beginner's permit does not have to be accompanied by an adult if he has successfully completed such a training course, as specified in the bill, and if he maintains his certificate of completion in his possession while driving.

H.3011 LICENSE PLATES FOR VEHICLES OVER THIRTY YEARS OLD Rep. Kirsh

This bill provides that a motor vehicle over thirty years old and used for general transportation may bear the license plate of the vehicle's model year instead of its current registration plate, if the current registration plate is maintained within the motor vehicle and produced upon request of a law enforcement officer.

H. 3044 GRACE PERIOD FOR MOTOR VEHICLE REGISTRATION/ LICENSE Rep. Rice

This bill provides that persons newly acquiring vehicles and owners of foreign vehicles being moved into South Carolina and required to be registered must, before obtaining a motor vehicle registration and license plate, display a placard on the motor vehicle containing certain information. Provides for fines for inaccuracy, false information, or improper display, with three-fourths of the fine to be remitted to the South Carolina Reinsurance Facility.

H.3048 COMPREHENSIVE HEALTH EDUCATION ACT Rep. Townsend

This bill repeals the Comprehensive Health Education Act, under which local school boards are directed to implement health education programs.

H.3054 STATEWIDE MASS TRANSPORTATION SYSTEM Rep. Scott

This joint resolution creates a committee to study the feasibility of creating a statewide mass transportation system. The committee is composed of the chair of the Senate Transportation Committee or his designee, the chair of the House Education and Public Works Committee or

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his designee, and the executive director of the Department of Transportation or his designee. The committee is charged to report its findings to the General Assembly one year after the adoption of the resolution, at which time the committee is dissolved.

H.3074 SERVICES TO HIGH-RISK STUDENTS Rep. Moody-Lawrence

This bill provides that in secondary schools of South Carolina which serve a high-risk population as determined by the State Department of Education, representatives of the Departments of Juvenile Justice, Mental Health, and Health and Environmental Control shall visit such schools one day each month during the school year to provide services and consultations in their particular areas to interested students.

H.3075 HIGH SCHOOL TEACHER CADET PROGRAMS Rep. Moody-Lawrence

This bill provides that students with an overall "C" average or better in all academic courses they have taken which count for high school graduation are eligible to participate in high school teacher cadet programs if they meet all other requirements of the program.

H.3079 SCHOOL TEXTBOOKS Rep. Cooper

This bill repeals current law relating to the state school textbook system. The bill provides that school districts (through their local boards of trustees) shall adopt, acquire, and provide textbooks for use by pupils in the public school districts without charge. Whereas current law provides that the State Board of Education adopts textbooks and pupils pay an annual rental in an amount fixed by the State Board of Education, H.3079 provides that the State Department of Education acts as a conduit for the adoption and acquisition of books by the local districts. The bill also provides that school districts shall furnish library books to the schools of the district (currently done by committee composed of State Superintendent of Education, the director of the division of elementary education, the high school supervisor, and four other members appointed by the State Superintendent).

Under this bill, local school boards appoint a textbook and instructional material advisory committee to make recommendations of textbooks and materials to be used by the district, with the advisory committee consisting of district staff, district curriculum development committee members, and (at the board's discretion) parents. Parent members shall make up less than one-half of the total committee membership. The bill also provides that the General Assembly provide for the manner of distributing funds to the districts to pay for the books, with the funds to be distributed on a per pupil basis based on the weighted pupil units of each district.

Under this bill, the State Department of Education fixes the maximum price at which a book may be purchased by local school districts, which price must not exceed seventy-five percent of the wholesale price list. The State Department of Education then notifies the publisher of the maximum price fixed, and if the publisher accepts the price, and agrees in writing to furnish the textbook for one year at that price, the written acceptance and agreement obligates and entitles the publisher to offer the textbook for sale at that price to local school districts.

H.3080 TEACHER CERTIFICATION PROGRAM Rep. Moody-Lawrence

This bill provides that, not later than the beginning of school year 1997-98, the State Board of Education, acting through the State Department of Education, shall develop a certification

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program to certify teachers to instruct three-year-old and four-year-old children pursuant to the Early Childhood Development and Academic Assistance Act.

H.3091 HIGHWAY WORK ZONES Rep. R. Smith

This bill revises the area in which a penalty will be applied for speeding in highway work zones. Current law imposes speeding penalties between where a "Highway Work Zone, No Speeding..." sign is posted to the "End Construction" sign. This bill revises the area where penalty applies to the highway work zones designed to comply with work zone traffic control standards contained in the South Carolina Manual on Uniform Traffic Control Devices.

H.3093 REGISTRATION/LICENSE FOR CERTAIN TRAILERS Rep. Inabinett

This bill removes the current exemption from licensing and registration for certain boat trailers, farm trailers, and utility trailers. The bill imposes a \$20 biennial licensing fees for these trailers, which is to be added to the state's general fund and which must be used to build and maintain public docks and piers, for clean-up projects along public river-front areas, and for the stocking of fish in streams and rivers.

H.3100 MAKEUP OF SCHOOL DAYS MISSED Rep. Allison

This bill provides that local school boards shall designate up to three of the ten days not required for student instruction as days which shall be used, if necessary, to make up school days missed because of extreme weather conditions. This bill does not affect current requirements relating to minimum hours of the school day and the duration of the school year.

H.3109 SAFETY BELTS ON SCHOOL BUSES Rep. J. Brown

This bill provides that school buses, with certain exceptions, purchased after June 30, 1998, must be equipped with safety belts.

H.3114 SUSPENDED OR EXPELLED STUDENTS Rep. J. Brown

This bill requires that any student suspended or expelled from school shall remain under the supervision of the local school board, and the local board shall provide these students alternative education programs to increase the likelihood that the students will obtain a high school diploma. Such programs must be approved by the State Department of Education, which may also grant waivers from the requirements of this bill to districts which cannot afford to comply. Alternative programs are defined as including, but not limited to, programs that hold students to strict standards of behavior in highly structured and controlled environments.

H.3115 GENERAL ASSEMBLY/STATE EMPLOYEE SCHOOL VISITATION/VOLUNTEERISM Rep. T. Brown

This bill provides that members of the General Assembly and state employees are encouraged to visit schools in their districts, and that members of the General Assembly who do so on non-legislative days are entitled to *per diem*, mileage, and subsistence for up to three days a year. The bill also preserves for a period of one year annual leave and compensatory time (which would otherwise be lost) of certain state employees who volunteer at schools within their area.

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H.3120 HIGH SCHOOL GRADUATION REQUIREMENT Rep. Kennedy

This bill provides that each high school in South Carolina must offer first-year and second-year Spanish on campus as units which may be taken to meet the twenty unit requirement for high school graduation.

H.3121 GOLF LICENSE PLATES Rep. Kelley

This bill provides for the issuance of a commemorative "South Carolina: First in Golf" license plate, and provides that funds from the biennial \$70 fee will be split between the state general fund (\$18) and a special fund to be administered by the Department of Parks, Recreation, and Tourism to promote the South Carolina Junior Golf Association (\$52).

H.3140 IMPROVING HIGHWAY SAFETY CONDITIONS Rep. Seithel

This bill requires the Department of Public Safety to publish annually statistical information regarding each one hundred meter stretch of highway where two or more traffic accidents occurred during a year. The Department must use this information to develop and implement an annual plan to improve safety conditions along these segments of highway. The plan must be submitted to the Governor and the General Assembly.

H.3145 TEACHING OF EBONICS Rep. Inabinett

This bill prohibits the teaching of Ebonics in the public elementary and secondary schools of South Carolina, and in the state-supported institutions of higher learning, including technical colleges.

H.3150 SPEED LIMITS Rep. Haskins

This bill defines the highways encompassing the interstate highway system and the state highway primary system, and revises the speed limits to seventy miles an hour on the interstate highway system and other officially posted freeways; sixty miles an hour on officially posted multilane divided primary highways; fifty-five miles an hour in other locations or on other sections of highways. Maximum speed in an "urban district" is thirty miles an hour, and unpaved roads are limited to the speed of forty-five miles an hour. The bill also revises the language on signs posted in a work zone and provides that the penalty contained on signs posted in a work zone are in addition to other penalties for speeding.

H.3152 PUBLIC SCHOOL PHYSICAL EDUCATION COURSES Rep. Cromer

This bill provides that in a public school which offers a dance program consisting of at least two semesters of dance where course credits are earned, training in such a program may be accepted in lieu of physical education for all purposes, academic or nonacademic.

H.3154 HIGHWAY PROJECTS Rep. Townsend

This bill requires that the State Department of Transportation submit in its annual budget to the General Assembly all highway projects scheduled for or in the process of construction, and provides that (excluding certain emergencies) these projects must be completed before initiation of a project not included in the budget as submitted. The bill also provides that fees for preliminary engineering services may not be paid until the project is completed.

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H.3161 BEGINNERS' PERMITS/DRIVERS' LICENSES Rep. Townsend

This bill provides that a person must hold a beginner's permit for at least ninety days before he may be issued a driver's license or a restricted driver's license.

H.3162 ANTIQUE MOTOR VEHICLES Rep. Townsend

This bill provides an exemption from the reinsurance facility recoupment charge for persons owning antique motor vehicles (vehicles which are over 30 years old, owned solely as a collector's item, used for participation in club activities, exhibits, tours, parades, and similar uses, and not used for general transportation).

H.3172 "MAYBANK SCENIC HIGHWAY" Rep. Seithel

This bill designates a portion of SC Highway 700 in Charleston County as "Maybank Scenic Highway" and prohibits all off-premises outdoor advertising on this highway. The bill also prohibits removal of trees in excess of a six inch caliper located within the highway right-of-way of this scenic highway without the permission of the Department of Transportation upon the recommendation of the Charleston County Council.

H.3173 MAXIMUM SPEED LIMITS Rep. Knotts

This bill provides a maximum speed limit on an interstate highway of seventy miles an hour.

H.3174 "CHARTER LIMOUSINE" LICENSE PLATES Rep. Knotts

This bill provides for the issuance of a special "Charter Limousine" license plate, which must be acquired for a "charter limousine" regulated by the South Carolina Public Service Commission upon submission of proof that the "charter limousine" is certified as a Class "C"- "Charter Limousine" by the commission.

H.3178 AERONAUTICS DIVISION OF DEPARTMENT OF COMMERCE Rep. Seithel

This bill brings all state aircraft under the control and supervision of the Aeronautics Division of the SC Department of Commerce, with the exception of aircraft operated by the Department of Commerce, the Department of Public Safety, the Department of Natural Resources, and the SC Law Enforcement Division.

H.3183 "BEAR'S BLUFF ROAD SCENIC HIGHWAY" Rep. Seithel

This bill designates a portion of SC Highway 316 in Charleston County as "Bear's Bluff Road Scenic Highway." The bill prohibits off-premises outdoor advertising on this highway and prohibits removal of trees in excess of a six inch caliper located within the highway right-of-way of this scenic highway.

H.3188 CHILDREN'S EDUCATION ENDOWMENT FUND Rep. Simrill

This bill provides that part-time students (minimum twelve semester hours per year) are eligible to receive a need-based grant from the Children's Education Endowment Fund. Current law requires that students must be full-time to be eligible to receive these grants.

H. 3194 DRIVER'S LICENSES/PERMITS Rep. Young-Brickell

This bill raises the minimum age to obtain a driver's license from sixteen to seventeen, and raises the minimum age to obtain a special restricted driver's license from fifteen to sixteen. The bill also provides specific conditions and restrictions under which a beginner's permit is

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valid, including raising the minimum age for the required accompanying driver from 18 to 21 years. The bill further provides that the holder of a beginner's permit who has successfully completed a driver training course as set forth in the bill may drive without an adult present if the certificate of completion from the driver training school is maintained in the driver's possession.

H.3195 RECERTIFICATION/ASSISTIVE TECHNOLOGY TRAINING Rep. J. Brown

This bill provides that a minimum of one credit hour in "assistive technology" training must be included in the recertification requirements for special education teachers and administrators. "Assistive technology" is defined as a device or service which is used to increase, maintain, or improve the functional capacities of an individual with a disability.

H.3199 SPECIAL EDUCATION STUDENTS Rep. J. Brown

This bill provides that, beginning no later than age sixteen, special education students who exit the public school system after entering high school must be provided an individual transition plan, outlining transition services, which must assure that these students have adequate information about and access to adult service agencies which can provide assistive technology devices and services to them. The individual transition plan must be developed by the special education or transition teacher in coordination with the community transition planning cooperative. The bill requires and provides for the development of a community transition planning cooperative in each county.

H.3200 SCHOOL UNIFORM OR UNIFORM DRESS CODE POLICY Rep. J. Brown

This bill empowers school trustees to promulgate regulations to establish a school uniform or uniform dress code policy by which elementary, junior, and middle schools in the district may adopt a school uniform or uniform dress code policy. The bill also provides for a minimum period of notice to parents of any such policy, and requires development of a method for assisting students who cannot afford to purchase the uniform.

H.3212 PARENTING INSTRUCTION IN PUBLIC SCHOOLS Rep. Harvin

This bill requires that in grades six through twelve, parenting classes must be provided for students who are parents, and parents under the age of eighteen who attend public school must attend these classes.

H.3223 SPECIAL FEE RATES AT STATE-SUPPORTED INSTITUTIONS Rep. Sharpe

This bill provides that any person who has been domiciled in South Carolina for less than one year and who is permanently and totally disabled qualifies for in-state tuition and fee rates at state-supported colleges and universities.

H.3226 SCHOOL CRIME Rep. Kirsh

This bill provides that if a disturbance or criminal conduct occurring on school property results in a student being charged with a criminal offense involving injury to another person, that student must be immediately suspended and expulsion proceedings instituted for the remainder of the school year.

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H.3236 PHONICS INSTRUCTION Rep. Townsend

This bill provides that local school boards are encouraged to include early and systematic phonics instruction into programs of reading instruction, and that colleges and universities offering teacher education curriculums shall endeavor to include phonics instruction in preservice education and professional development courses.

H.3237 HIGHWAY PROJECTS Rep. Townsend

This bill requires that the Department of Transportation submit in its annual budget to the General Assembly all highway projects scheduled for or in the process of construction. The bill also requires that these projects be completed before initiation of a project not included in the budget as submitted, excluding certain emergencies, and that fees for preliminary engineering services may not be paid until the project is completed.

H.3238 REGULATION (RE: ACT 135) Education and Public Works Committee

This joint resolution disapproves Regulation Document Number 1713. This regulation, as summarized and submitted by the Department of Education, provides a more comprehensive approach to Parenting/Family Literacy programs, as required by the Early Childhood Development and Academic Assistance Act of 1993 (Act 135).

JUDICIARY

H.3002 REAPPORTIONMENT Rep. Wilkins

This bill redraws boundaries for certain House districts. Special elections are set for reconfigured districts.

H.3003 DRUG PARAPHERNALIA Rep. Kirsh

This bill makes it a felony to sell, possess, deliver, advertise for sale, or manufacture illegal drug paraphernalia. Violators must be fined not more than five hundred dollars and imprisoned not more than five years. Under current law, violations incur a civil fine.

H.3009 WRITE-IN VOTING FOR PRESIDENT AND VICE PRESIDENT Rep. Cromer

This bill requires ballots for President and Vice President of the United States to provide a space in which a voter may record a write-in vote. In order for such votes to be counted, the write-in candidate must file a declaration of intent and list of pledged presidential electors with the State Election Commission at least thirty days before the election.

H.3010 REPRESENTING FAMILY MEMBERS IN MAGISTRATE'S COURT Rep. Kirsh

This bill allows an individual to represent an immediate family member in magistrate's court on a criminal matter.

H.3014 USE OF PUBLIC OFFICE FOR FINANCIAL GAIN Rep. Kirsh

This bill extends the prohibition on using public office or position for financial gain so as to specify that it is a violation to receive benefits or economic interests after an action has been taken to provide for them.

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H.3017 *EARLY VOTING* Rep. Bauer

This bill establishes a procedure for early voting in statewide general elections and their nominating primaries by allowing a voter to cast a vote in person at a county board of registration or extension office during the twenty days preceding the election or primary.

H.3019 *PUNITIVE DAMAGES IN CIVIL SUITS* Rep. Kirsh

This bill sets as a maximum for punitive damages awarded in a civil suit two hundred fifty thousand dollars or three times the amount of compensatory damages, whichever is greater. This maximum does not apply to punitive damages awarded in cases involving driving under the influence of drugs or alcohol. Punitive damages may only be awarded in cases where the claimant proves that the defendant has been directly involved in fraud, malice, or wilful, wanton, or reckless conduct. The court shall award the defendant reasonable attorney's fees in cases where the claim is frivolous or malicious.

H.3020 *CREDIT CARD ACCOUNT NUMBERS* Rep. Kirsh

This bill makes it unlawful to copy a credit card number when the credit card is presented as a means of identification by an individual who is paying with a check. Violators must be fined not more than two hundred dollars or imprisoned not more than thirty days. The provisions do not apply to check-cashing services which a credit card issuer offers its cardholders.

H.3021 *CORPORATE DESIGNEES IN MAGISTRATE'S COURT* Rep. Kirsh

This bill allows a professional corporation to designate in writing an employee or agent of the corporation to represent it in magistrate's court.

H. 3022 *JURY SERVICE IN MAGISTRATE'S COURT* Rep. Kirsh

Under this bill, no individual may serve on a jury in magistrate's court more than once every three calendar years, as opposed to the current three-month limit. The bill also deletes the requirement that fines for failure to appear for jury service in magistrate's court be directed to the treasury of the county in which the case is tried.

H.3023 *NONECONOMIC DAMAGES AWARD ACT* Rep. Kirsh

This bill places maximum limits on the amounts awarded in civil suits for noneconomic damages such as pain, suffering, humiliation, injury to reputation, loss of companionship, etc. as distinguished from actual economic damages such as medical costs, loss of property, loss of earning capacity, cost of repair or replacement, and other damages with objectively verifiable price tags. The maximum which may be awarded in noneconomic damages is set at two hundred fifty thousand dollars or the amount awarded in economic damages, whichever is greater.

H.3024 *ELIMINATION OF DOUBLE RECOVERIES ACT* Rep. Kirsh

This bill allows the court, in all tort actions, to admit as evidence proof of collateral source payments paid, or expected to be paid, to a claimant as compensation for the same damages sought in the suit. Proof of such payments shall be considered in determining amounts awarded. Examples of collateral sources of payment include insurance policies, Social Security, and state and federal income replacement and workers' compensation programs.

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H.3025 BLOOD ALCOHOL LEVELS FOR D.U.I. Rep. Kirsh

With regard to chemical tests used to determine blood alcohol content of drivers, this bill decreases from ten to nine one-hundredths of one percent the minimum blood alcohol level at which a driver may be presumed to have been driving under the influence. The bill also decreases from five to four one-hundredths of one percent the maximum blood alcohol level for which a driver is presumed conclusively to have not been under the influence of alcohol.

H.3027 LOCAL GOVERNMENT IMPACT FEES PROHIBITED Rep. Kirsh

This bill prohibits a county, municipality, or other unit of local government from imposing an impact fee. An impact fee is a charge levied against new developments to generate revenue for the capital improvements made necessary by that development.

H.3029 DRIVER'S LICENSE REVOCATION FOR MINORS CONVICTED OF DUI Rep. Kirsh

This bill revokes the driver's license for one year in addition to other penalties in instances where an individual under the age of twenty-one has been convicted of certain offenses pertaining to driving while under the influence of drugs or alcohol.

H. 3034 DRIVER'S LICENSES AND DRUG AND ALCOHOL OFFENSES Rep. Kirsh

This bill requires that an individual who is charged with certain offenses pertaining to controlled substances, misuse of driver's license, supplying alcohol to minors, and underage purchase and possession of alcohol and who is accepted into a pretrial intervention program must have his driver's license suspended just as if he had been convicted of the offense.

H.3035 CONSTITUTIONAL AMENDMENT: TAXATION BY GEN. ASSEMBLY Rep. Kirsh

This joint resolution proposes an amendment to the South Carolina Constitution requiring a two-thirds vote from the total membership of each house of the General Assembly in order for that body to impose a tax.

H.3036 EARLY VOTING Rep. Cromer

This bill establishes a procedure for early voting in statewide general elections and their nominating primaries by allowing a voter to cast a vote in person at a county board of registration or extension office during the fourteen days preceding the election or primary.

H.3037 FORFEITURE OF SEIZED VEHICLES Rep. Kirsh

This bill requires forfeiture hearings on vehicles seized from individuals convicted of driving while under the influence or driving with a suspended license to be completed within three months of when forfeiture was commenced.

H.3038 NOTARY PUBLIC COMMISSIONS Rep. Vaughn

This bill provides two additional methods by which a county legislative delegation may endorse applications for notary public commissions.

H.3041 CONSTITUTIONAL AMENDMENT: LEGISLATIVE SESSION Rep. Wilkins

This joint resolution proposes an amendment to the South Carolina Constitution such that the General Assembly shall continue to convene on the second Tuesday of January in even-numbered years, but, convene on the second Tuesday in February in odd-numbered years. Not only the House of Representatives, but the Senate, too, shall meet on the first Tuesday

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following the certification of the election of their respective members for not more than three days following the general election for the purpose of organizing and electing such officers as the Speaker of the House, President Pro Tempore of the Senate, and committee chairmen. During odd-numbered years the presiding officers shall convene on the second Tuesday in January to accept bills and resolutions and refer them to the appropriate committee.

H.3042 ADJOURNMENT OF THE GENERAL ASSEMBLY Rep. Wilkins

This bill changes the date for mandatory adjournment of the General Assembly from the first Thursday in June to the second Thursday in May. In any year in which the House of Representatives fails to give third reading to the appropriations bill by March 15 (as opposed to the current March 31 date) the date of adjournment is extended one statewide day for every statewide day beyond the March 15 deadline in which the House fails to give third reading to the appropriations bill.

H.3046 NONPARTISAN ELECTIONS FOR COUNTY GOVERNMENT Rep. Cromer

This bill establishes a procedure by which the governing body of county may opt for its members to be nominated and elected in a nonpartisan manner.

H.3050 PRETRIAL INTERVENTION AND LEWD ACTS ON A CHILD Rep. Limehouse

This bill prohibits admission into a pretrial intervention program for anyone charged with committing or attempting to commit a lewd act on a child under fourteen years of age.

H.3052 CONSTITUTIONAL AMENDMENT: DISCIPLINING LEGISLATORS Rep. Cromer

This joint resolution proposes amending the South Carolina Constitution such that the General Assembly may delegate matters relating to the disciplining of its members to the appropriate executive branch agency.

H.3053 GRANDPARENT VISITATION Rep. J. Brown

This bill eliminates conditions which limit a family court's authority to order periods of visitation for the grandparents of a minor child.

H.3055 ELECTION OF SOLICITORS Rep. Scott

This bill requires that, for the purpose of electing solicitors, the population of each judicial circuit may not have a variance of more than ten percent.

H.3056 NONPARTISAN ELECTIONS FOR CERTAIN COUNTY OFFICES Rep. Cromer

This bill provides a procedure by which the governing body of a county may opt to conduct elections and nominations of county auditor, treasurer, and clerk of court in a nonpartisan manner.

H.3057 NONPARTISAN ELECTIONS FOR COUNTY GOVERNMENT Rep. Cromer

This bill provides that nonpartisan nominations and elections of members of a county governing body may be established either through ordinance or through a referendum called by a petition from not less than ten percent of the registered electors of the county.

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H.3060 CONSOLIDATED PRIMARY ELECTION BALLOTS Rep. Cromer

This bill requires the use of a consolidated primary ballot which allows an elector to vote in the primary of the elector's choice in each office to be filled.

H.3063 CONSTITUTIONAL AMENDMENT RATIFIED: JUDICIAL SCREENING

Rep. Wilkins

This bill ratifies the amendment to the South Carolina Constitution approved by voters during the 1996 general election regarding the qualifications, screening, and election of judicial candidates.

H.3070 PARTY SWITCHING Rep. Govan

This bill provides that a sitting officer who executed a candidacy pledge with a political party and changes party affiliation during the term of office for which he was elected is deemed to have vacated his seat.

H.3071 CONDEMNATION PROCEDURES Rep. Inabinett

This bill provides that in eminent domain condemnation actions involving owner-occupied residential property, the appraisal of the property must be the value determined by the condemnor's appraiser or one hundred twenty-five percent of the appraised value of the property as determined by the local tax assessor, whichever is greater.

H.3072 ENGINEERS GOOD SAMARITAN ACT Rep. Young-Brickell

This bill provides legal immunity for a professional engineer who provides certain engineering services at the scene of a declared emergency.

H.3073 CONSTITUTIONAL AMENDMENT: VOTER RECALL OF OFFICERS Rep. Whatley

This joint resolution proposes amending the South Carolina Constitution so as to provide a means by which voters could recall from office any state or local office holder in the legislative, executive, or judicial branches who is either popularly elected or elected by a public body. A petition signed by at least twenty-five percent of the qualified electors served by the officeholder prompts a recall election in which voters decide whether the officer must vacate his position. An officer may only be recalled for reason of physical or mental unfitness, incompetence, violation of oath of office, official misconduct, or conviction of a felony.

H.3077 REVOKING LAW LICENSE FOR FAILURE TO SUPPORT CHILD Rep. Limehouse

This bill adds to the list of occupational and other licenses which may be revoked for failure to provide child support the license to practice law.

H.3086 INJURIES SUSTAINED WHILE COMMITTING A FELONY Rep. Davenport

This bill provides that there is no liability for damages or injuries sustained by a person who has committed a felony when the person is injured or dies from injuries sustained while committing the crime.

H.3087 BAIL AND BAIL BONDSMEN Rep. Scott

This bill makes various revisions regarding bonds, including restricting the issue of personal recognizance bonds only to persons charged with a noncapital first offense and only once within a twelve-month period.

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H. 3088 BAIL AND BAIL BONDSMEN Rep. Scott

This bill makes various revisions regarding bail and bail bondsmen, including the addition of a requirement that a licensed bail bondsman or runner must have the minimum training which the state requires for a law enforcement officer.

H.3089 SAFETY BELTS Rep. D. Smith

This bill increases the maximum penalty for violating the mandatory seatbelt law from ten to twenty-five dollars, and from twenty to fifty dollars for any one incident involving one or more violations. The bill also removes the restriction which prevents an officer from stopping a driver solely for failure to use seatbelts.

H.3090 CHEMICAL TREATMENT PROGRAMS FOR CHILD MOLESTERS Rep. Simrill

This bill requires male offenders convicted for the first or second time of certain criminal sexual conduct offenses where the victim is under thirteen years of age to undergo a chemical hormonal treatment program if released into a community supervision program or on parole. Individuals who opt for a surgical alternative are exempt.

H.3094 ASSAULTS ON EMERGENCY PERSONNEL AND OTHERS Rep. Cromer

This bill makes it a felony, punishable with a prison term of up to ten years, to assault an emergency medical service provider, firefighter, or home health care provider.

H.3097 CONSTITUTIONAL AMENDMENT: ADVERSE POSSESSION Rep. Cromer

This joint resolution proposes amending the South Carolina Constitution so as to abolish the legal doctrine of adverse possession whereby an individual acquires a legal claim to land which he continuously occupies for an extended period of time. Adverse possession claims decided by courts previous to the adoption of the amendment are specifically exempted.

H.3099 NONPARTISAN ELECTIONS OF SCHOOL BOARDS Rep. Allison

This bill requires that, beginning in 1998, all members of school boards of trustees must be selected through nonpartisan elections.

H.3101 TAKING A CHILD OUT OF STATE DURING A CUSTODY DISPUTE Rep. Allison

This bill makes it unlawful to transport a child under the age of sixteen out of state in order to circumvent a custody proceeding. Both this offense and the currently unlawful act of transporting a child out of state in violation of a court custody order are designated misdemeanors if the violation persists for three days or less and felonies if persisting longer. Violations are applied to children born out of wedlock, and harsher penalties are assigned to violations involving actual or threatened physical force.

H.3107 CRIMINALLY INSANE DEFENDANT ACT Rep. J. Brown

This bill establishes various safeguards in the prosecution of the criminally insane and requires specialized treatment programs for these defendants.

H.3108 EDUCATIONAL REQUIREMENTS FOR BAIL BONDSMEN Rep. J. Brown

This bill requires at least twenty hours of pertinent education for licensure as a bail bondsman and at six hours per year of continuing education for renewal of the license.

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H.3110 REPLACEMENT OF CANDIDATES Rep. J. Brown

This bill establishes procedures for replacing candidates or party nominees who die, withdraw, become disqualified, or resign for legitimate nonpolitical reasons.

H.3119 FRAUDULENT CHECKS Rep. Kirsh

This bill applies legal remedies for fraudulent checks to any check given in full or partial payment of any preexisting debt and not just those preexisting debts which resulted from a revolving credit account which is not a consumer credit transaction.

H.3122 PARTIAL-BIRTH ABORTION BAN ACT Rep. Haskins

This bill prohibits partial-birth abortions, that is, abortions in which a living fetus is partially vaginally delivered before the fetus is killed and the delivery completed. Violators are guilty of a felony and penalties are established. A civil cause of action is also provided.

H.3126 BAIL AND BAIL BONDSMEN Rep. Scott

This bill makes various revisions regarding bail and bail bondsmen, including the provision that a bail bondsman is not prohibited from attending any court proceeding directly affecting his business.

H.3128 CONFIDENTIALITY OF RECORDS OF JUVENILES Rep. Simrill

This bill removes the confidentiality requirement for records which the court and Department of Juvenile Justice keep for juveniles fourteen years old and older.

H.3130 DRIVER'S LICENSE SUSPENSIONS Rep. D. Smith

This bill alters the manner in which driver's licenses are suspended for individuals who do not comply with traffic citations issued in this state or in out-of-state jurisdictions in the Nonresident Traffic Violator Compacts. The bill allows for suspension or nonrenewal of a license if notice of compliance is not received within six months (rather than one year) of when the citation is finally adjudicated (rather than the date issued).

H.3131 VIOLENT JUVENILE CASE REVIEW Rep. Limbaugh

This bill allows the Board of Juvenile parole to make annual, rather than quarterly, reviews of the cases of juveniles committed for certain violent offenses.

H.3132 CONSTITUTIONAL AMENDMENT: AFFIRMATIVE ACTION Rep. Limbaugh

This joint resolution proposes amending the South Carolina Constitution so as to prohibit the state and its political subdivisions from using race, sex, color, ethnicity, or national origin as criteria in public employment, education, or contracting.

H.3138 CONSTITUTIONAL AMENDMENT: RECALL OF OFFICERS Rep. Davenport

This joint resolution proposes amending the South Carolina Constitution so as to provide a means by which voters could recall from office any state or local office holder in the legislative, executive, or judicial branches who is popularly elected: A petition signed by at least twenty-five percent of the qualified electors served by the officeholder prompts a recall election in which voters decide whether the officer must vacate his position. An officer may only be recalled for reason of physical or mental unfitness, incompetence, violation of oath of office, official misconduct, or conviction of a felony.

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H.3139 ADOPTIONS Rep. Wilkins

This bill requires the Department of Social Services to expedite permanent placement of children where parental rights have been terminated. The bill requires child specific recruitment including the use of the media and photo listings to facilitate adoptions.

H.3143 CONSTITUTIONAL AMENDMENT: VOTER APPROVAL OF TAXES Rep. Wilkins

This joint resolution proposes amending the South Carolina Constitution so as to require the state's electors to vote on any measure creating or increasing taxes or fees which passes the General Assembly without the approval of at least two-thirds of the membership of the House of Representatives and at least two-thirds of the membership of the Senate.

H.3144 TAXATION AUTHORITY OF GENERAL ASSEMBLY Rep. Wilkins

This bill requires at least a two-thirds affirmative vote in each house of the General Assembly for passage of a measure which creates or increases a tax.

H.3146 PARTIAL-BIRTH ABORTIONS Rep. Allison

This bill prohibits partial-birth abortions. Exceptions are made where a partial-birth abortion is the only means of saving the life of the mother. Violators are guilty of a felony and must be fined not less than five thousand dollars and imprisoned not more than five years. A civil cause of action is also established.

H.3148 CHILD ABUSE Rep. Allison

This bill makes it a felony, punishable with up to ten years imprisonment, to knowingly and maliciously inflict great bodily injury upon a child. The bill also makes it a felony, punishable by up to five years imprisonment, to allow another to inflict great bodily injury upon a child.

H.3149 PROTECTION FROM POST-SEPARATION FAMILY VIOLENCE ACT Rep. Allison

This bill creates a presumption that no parent with a history of family violence may be awarded custody of a child. Orders of divorce, separation, child custody and visitation must contain injunctions against the perpetrator of family violence. The perpetrator must also pay for all attorney fees, court costs, and medical costs necessitated by the family violence.

H.3153 DECLARATION OF A DESIRE FOR A NATURAL DEATH Rep. Simrill

This bill substitutes the term "life-sustaining" for "death-prolonging" in the code language which states that the absence of a declaration of a desire for a natural death does not create a presumption as to the patient's wishes.

H.3157 CONSTITUTIONAL AMENDMENT: TERM LIMITS Rep. Wilkins

This joint resolution proposes amending the South Carolina Constitution so as to impose a maximum limit of six terms of service for members of the House of Representatives, three terms for members of the Senate, and three terms for constitutional officers. Terms of service would be counted for members of the General Assembly beginning with the 1996 general election; terms for constitutional officers would be counted beginning in the 1998 election.

H.3159 CHEMICAL TREATMENT FOR SEX OFFENDERS Rep. Young

This bill affords individuals who have been convicted for the first time of certain criminal sexual conduct offenses where the victim is under thirteen years of age the option of undergoing a

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chemical hormonal treatment program if released into a community supervision program or on parole. Such treatment is mandatory for repeat offenders in community supervision programs or on parole. Individuals who opt for a surgical alternative are exempt.

H.3164 *AUTHORITY OF AGENCIES TO PROMULGATE REGULATIONS* Rep. Townsend

This bill restricts the ability to promulgate regulations only to those state agencies whose governing bodies are elected, appointed, or confirmed by advice and consent of the General Assembly. Other agencies must make recommendations for changes in state law to the appropriate standing committees of the General Assembly.

H.3165 *ENACTMENT OF REGULATIONS BY GENERAL ASSEMBLY* Rep. Townsend

This bill abolishes the current system by which regulations are promulgated by state agencies and approved by the General Assembly, and requires, instead, that all regulations must be enacted by the General Assembly in the same manner as other legislation.

H.3166 *ABANDONMENT OF A PROPERTY BY TENANT* Rep. Townsend

This bill provides that a tenant who abandons a premise and causes damage in excess of his security deposit is guilty of a misdemeanor and must be fined not more than one hundred dollars and imprisoned not more than thirty days.

H.3167 *FAILURE OF EJECTED TENANT TO VACATE* Rep. Townsend

This bill provides that a tenant is guilty of trespass if he fails to vacate a property after he has been ejected. Upon conviction, he must be fined not more than one hundred dollars or imprisoned not more than thirty days.

H.3168 *PARENTAL RIGHTS AND RESPONSIBILITIES ACT* Rep. Davenport

This bill specifies rights which parents have with regard to the raising of children, including choices about discipline, religious instruction, education, and health care. Attorney's fees and court costs must be paid in instances where the parent proves to a court that state actions represent a violation of parental rights.

H.3170 *PUBLISHING PROPOSED CONSTITUTIONAL AMENDMENTS* Rep. Inabinett

This bill requires proposed Constitutional amendment questions and the explanations of them prepared by the Constitutional Ballot Commission to be printed in a newspaper in each county at the cost of the State Election Commission.

H.3171 *CONSTITUTIONAL AMENDMENT: LEGISLATIVE TERMS* Rep. Inabinett

This joint resolution proposes amending the South Carolina Constitution such that members of the House of Representatives would be elected every fourth instead of every second year, and members of the Senate would be elected every sixth rather than every fourth year.

H.3182 *ILL TREATMENT OF ANIMALS* Rep. Seithel

This bill increases various penalties for ill treatment of animals, including torture of animals which is punishable as a felony, rather than a misdemeanor, with possible imprisonment of up to five years, rather than 180 days, and a fine of up to ten, rather than five, thousand dollars.

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H.3184 DESECRATION OF GRAVES AND REMAINS Rep. Davenport

This bill increases penalties for desecration of human remains or graves and requires one hundred twenty hours of community service where the offense is a misdemeanor.

H.3187 EJECTING A TENANT Rep. Rice

This bill expedites the process by which a landlord may eject a tenant, reducing from ten to five days the maximum time in which a tenant may show cause why he should not be ejected. Further, trial of ejectment cases is assigned first priority for magistrates, and writs of ejectment must be issued by magistrates immediately, rather than within five days of the verdict.

H.3189 CONSTITUTIONAL AMENDMENT: RECALL OF OFFICERS Rep. Davenport

This joint resolution proposes amending the South Carolina Constitution so as to allow elected officers in the executive or legislative branches of state or local government to be recalled from office through a vote of qualified electors.

H.3190 CONSTITUTIONAL AMENDMENT: INITIATIVE PETITION Rep. Davenport

This joint resolution proposes amending the South Carolina Constitution so as to establish a procedure by which voters propose laws and constitutional amendments through initiative petition.

H.3191 BAIL AND BAIL BONDSMEN Rep. Scott

This bill makes various revisions with regard to bail and bail bondsmen, including the addition of the requirement that an individual brought before a magistrate on a bailable offense must have a bond hearing within twenty-four hours of his arrest and must be released within two hours after sufficient bond is offered by him or a surety.

H.3193 THEFT OF FIREARM Rep. Young

This bill provides that the theft of a firearm is grand larceny punishable by a prison sentence of up to one year or a fine the amount of which is left to the court's discretion.

H.3197 DESECRATION OF GRAVES OR REMAINS Rep. Simrill

This bill increases various penalties for the desecration of human remains or graves.

H.3207 DRINKING GAMES Rep. Seithel

This bill prohibits drinking games in establishments which sell alcohol. Licensees of establishments in violation are guilty of a misdemeanor and subject to a fine of not more than one thousand dollars or a prison term of not more than one year.

H.3208 PROPERTY WITH HISTORICAL VALUE Rep. Seithel

This bill authorizes to the state to acquire through condemnation and preserve property of historical importance, including battlefields, ruins of forts, etc.

H.3209 FAMILY MEDICAL HISTORIES OF ADOPTED CHILDREN Rep. Seithel

This bill provides that the required medical history of an adopted child's biological family must be comprehensive and updated every five years.

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H.3213 COMMUNITY SERVICE FOR UNEMPLOYED TEENAGE PARENTS Rep. Harvin

This bill requires a noncustodial parent who is under the age of eighteen and unable to find employment to provide child support to complete twenty hours of community service a week.

H.3214 INCREASED FINES FOR MISUSE OF DRIVER'S LICENSES Rep. Simrill

This bill provides that one who has falsified or provided falsified driver's licenses must be fined not less than one thousand nor more than three thousand five hundred dollars. An individual who has made use of another individual's driver's license must be fined not less than two hundred fifty nor more than five hundred dollars.

H.3215 PURSUIT OF OFFENDERS OUTSIDE OF POLICE JURISDICTION Rep. Simrill

This bill affords local law enforcement of towns and municipalities countywide jurisdiction in pursuing fleeing offenders rather than the current jurisdiction of up to three miles beyond corporate limits.

H.3216 ASSAULT AND BATTERY Rep. Simrill

This bill increases penalties which magistrates may award for assault and battery and other breaches of the peace which are not of a high and aggravated nature. Violators may be fined not less than five hundred nor more than one thousand dollars or sentenced to not less than thirty days nor more than six months in prison.

H.3217 CONFISCATION OF LICENSE PLATE AND REGISTRATION Rep. Simrill

This bill requires the court to confiscate the license plate and motor vehicle(s) registration for individuals convicted of various offenses involving an automobile, such as failure to stop for a law enforcement officer, operation of an uninsured vehicle, certain violations committed while driving under the influence of alcohol and drugs, etc.

H.3221 DEATH PENALTY FOR HATE CRIME MURDER Rep. Wilkins

This bill allows the death penalty to be awarded for a murder conviction for reason that the murderer was motivated by the victim's actual or perceived race, color, religion, national origin, or physical or mental disability.

H.3222 PENALTIES FOR HATE CRIMES Rep. Wilkins

This bill sets mandatory minimum sentences for various crimes in which convicted individual was motivated by the crime victim's actual or perceived race, color, religion, national origin, or physical or mental disability.

H.3225 REFERENDUM ON FLYING THE CONFEDERATE FLAG Rep. Townsend

This bill provides for a binding statewide referendum during the 1998 general election in which voters will decide whether the Confederate Battle Flag will continue to be displayed atop and within the State House.

H.3230 WRONGFUL CHARITABLE SOLICITATIONS Rep. Simrill

This bill increases penalties for inappropriate solicitation on behalf of a charity and/or failure to comply with reporting requirements such that a first violation incurs a fine of not less than one thousand dollars and or a prison term of six months to one year. The maximum prison term which may be incurred by a subsequent conviction is raised from one year to three years.

H.3231 INITIATIVE ON LOCAL TAXATION AND APPROPRIATIONS Rep. Davenport

This bill eliminates exceptions which restrict the subject matter on local ordinances which county and municipal voters may propose through initiative petition. Currently, ordinances which appropriate money and levy taxes may not be proposed by voter initiative.

H.3233 EXPLANATION OF REFERENDUM QUESTIONS Rep. Cromer

This bill requires the Constitutional Ballot Commission or its designee to prepare explanations of all state and local referendum questions in addition to all proposed state constitutional amendments. Such explanations must be supplied to voters at polling places.

H.3234 TIME OF CAPITAL PUNISHMENT Rep. Cromer

This bill requires all death sentences to be administered at one o'clock p.m. on the date of execution.

H.3235 APPOINTMENT OF MASTERS-IN-EQUITY AND RETIRED JUDGES Rep. D. Smith

This bill requires any retired justice or judge appointed by the Chief Justice to serve in the state's courts to have been found qualified by the Judicial Merit Selection Commission within four rather than two years. The bill also reroutes the appointment process for masters-in-equity such that candidates for vacancies submit applications directly to the Judicial Merit Selection Commission which supplies its list of qualified candidates to the appropriate county legislative delegation. The delegation suggests qualified candidates to the Governor until one meets with his approval and receives his appointment.

H.3240 SOUTH CAROLINA SCHOOL SAFETY ACT Rep. Spearman

This bill provides that a student found guilty of unaggravated assault on anyone affiliated with a school on school grounds or at a school-sponsored event is eligible for secure detention at a juvenile facility and subject to imprisonment of up to a year and/or a fine of not more than one thousand dollars. The bill also grants civil and criminal immunity to school personnel who make good faith reports of school-related crimes.

H.3241 REFERENDUM ON THE CONFEDERATE FLAG Rep. Knotts

This bill provides for a statewide referendum at the 1998 general election by which voters may decide whether the Confederate Battle Flag should continue to be flown above the State House. Until certification of the results of the referendum, the flag must be displayed, and no additional referendum concerning the flag may be held concerning the flag during the ten years following the 1998 referendum.

H.3242 HATE CRIMES Rep. Knotts

This bill provides mandatory minimum sentences for certain crimes where the perpetrator is motivated by the victim's race, color, religion, national origin, or physical or mental disability. The bill also allows the death penalty to be awarded for a murder conviction for reason that the murderer was motivated by the victim's actual or perceived race, color, religion, national origin, or physical or mental disability.

H.3252 TRANSPORTING CHILD TO THWART CUSTODY ORDER Rep. Kirsh

This bill provides that an individual who transports a child so as to circumvent an existing or impending custody order is subject to penalties if the child is not returned within three days

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rather than one week. If the child is taken by actual or threatened physical force, the action is a felony punishable by imprisonment of up to fifteen years and/or fines determined at the court's discretion. Travel expenses and court costs may be borne by violators. The protections against removal are applied to children whose paternity is to be determined.

H.3254 REDUCTION OF CORPORATE LIMITS Rep. Boan

This bill allows territory owned by a municipality to be removed from within the corporate limits of the municipality by ordinance of the municipal governing body. Territory owned by a county or jointly owned by the municipality and county may also be removed from corporate limits in this fashion upon receipt of a resolution from the county governing body requesting removal.

H.3255 CONSTITUTIONAL AMENDMENT: SECRETARY OF STATE Rep. Kirsh

This joint resolution proposes amending the South Carolina Constitution so as to abolish the office of Secretary of State effective July 1, 1999, and allow the General Assembly to decide how the duties of the office are to be devolved onto other constitutional offices.

H.3258 PROTECTION OF WAR MEMORIALS Rep. Cooper

This bill provides that an individual who removes, alters, disturbs, or prevents the lawful care of war monuments and memorials on public land is guilty of a misdemeanor and subject to a fine of up to five thousand dollars and/or imprisonment.

LABOR COMMERCE AND INDUSTRY

H.3006 REQUESTS CONCERNING REPAIRS Rep. Cromer

This bill provides that it is an unfair and deceptive act for a repair business to refuse to comply with an owner's request that damaged and removed parts be returned or that serial or identification numbers be provided for replacement parts.

H.3028 CONSUMER FREEDOM OF CHOICE IN MOTOR VEHICLE INSURANCE ACT Rep. Meacham

This bill provides comprehensive changes for the field of automobile insurance, requiring insurers to offer drivers various specified insurance products. Among other changes, the bill requires insurers to offer four, rather than two, rates of auto insurance, to include "preferred," "standard," "nonpreferred," and "substandard" designations. The Reinsurance Facility is abolished and replaced with a Joint Underwriting Association.

H.3030 DRIVER TRAINING VOUCHERS Rep. Cromer

This bill requires the Department of Insurance to provide, upon request, a voucher which first time driver's license applicants between the ages of fifteen and seventeen may use to acquire driver training at any certified training program. Three dollars of the yearly premium for uninsured motorist coverage must be used to fund the voucher program. No driver's license may be issued to one who is between the ages of fifteen and seventeen and who has not completed successfully a certified driver training program.

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H.3031 MOTOR VEHICLE SAFETY RESPONSIBILITY ACT Rep. Cromer

This bill provides comprehensive changes in the field of automobile insurance. The Department of Insurance is authorized to assign drivers unable to obtain insurance in the voluntary market to insurers who must offer coverage at specified minimum level or above. The Department must distribute such assigned risks in an equitable fashion among the state's insurers. A mechanism is established by which uninsured motorists who accidentally cause damage and injuries must offer financial security that damages will be reimbursed, or else forfeit driving privileges.

H.3039 HEALTH INSURER LIMITS ON TREATMENT INFORMATION Rep. Cato

This bill provides that a health care provider's contract with a health benefit or insurance plan does not restrict the health care provider in terms of the information he may provide to patients concerning treatment options and the risks associated.

H.3040 LICENSING OF CONTRACTORS Rep. Kirsh

This bill requires that an individual seeking to be licensed as a contractor must submit an affidavit of his financial condition rather than a financial statement certified by a public accountant.

H.3067 TRANSPORTATION INFRASTRUCTURE BANK ACT Rep. Limehouse

This bill establishes a Transportation Infrastructure Bank authorized to provide loans and other financial assistance to government units and private entities to finance public highways and transit projects. The bank may receive federal grants, loan repayments, and up to five percent of Department of Transportation funds appropriated for the construction and maintenance of the state's highways.

H.3076 MANDATORY COVERAGE OF MEDICAL EXAMS Rep. Moody-Lawrence

This bill requires insurance coverage for mammograms, pap smears, and prostate cancer examinations in all health and accident or health insurance policies issued after Dec. 31, 1997.

H.3092 CITIZENSHIP OF PRIVATE DETECTIVES Rep. Harvin

This bill eliminates the requirement that a private detective employed by a licensed detective business must be a citizen of the United States.

H.3106 LEAVE TIME FOR ATTENDING SCHOOL EVENTS Rep. J. Brown

This bill requires, with certain exceptions, that employers grant up to twelve hours per year in leave for employees to attend school conferences and activities. Employers need not pay employees for time taken.

H.3116 LEAVE TIME FOR SCHOOL EVENTS Rep. T. Brown

This bill entitles employers to certain state income tax deductions for granting their employees paid leave for the purpose of attending school conferences or activities or participating in volunteer teaching programs.

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H.3117 "ANY WILLING PROVIDER" REQUIREMENT FOR HEALTH CARE Rep. J. Brown

This bill requires all health insurers, including managed care programs, to pay benefits to a health care provider who offers his services at the contract rate set by the insurer, regardless of whether he is a contract provider.

H.3123 MAJOR MEDICAL EXPENSE COVERAGE Rep. Sandifer

This bill alters the approval process for new major medical expense coverage policies by eliminating language which specifically refers to policies approved in the two-year period before passage of the current standards in 1991.

H.3129 INSURANCE FOR VANS OF THE FEDERATION OF THE BLIND Rep. Simrill

This bill requires that passenger vans owned or operated by local chapters of the National Federation of the Blind must be insured for minimum automobile insurance coverage at the same standard rates as any comparable passenger van operated by any state agency.

H.3158 PRIVATIZATION POLICY BOARD Rep. Young-Brickell

This bill establishes a Privatization Policy Board to study and make recommendations regarding which services currently performed by state government might be more efficiently delivered by contracting with the private sector.

H.3163 GOOD FRIDAY BANK HOLIDAY Rep. Townsend

This bill provides that the Friday immediately preceding Easter Sunday is a holiday for banks.

H.3169 LICENSURE OF REAL ESTATE BROKERS Rep. Cato

This bill conforms the Real Estate Commission to the administrative framework established for professional and occupational licensing boards and makes various changes in requirements for licensure as a real estate broker.

H.3175 BUILDING CODE ENFORCEMENT OFFICERS Rep. Bailey

This bill creates functions, duties, and registration for building code officers and requires that the first two hundred fifty thousand dollars of the premium tax levied on fire insurers must be used for implementing training, certification, and continuing education for these officers. The bill also revises the composition of building codes councils, the manner in which counties and municipalities adopt and enforce codes, penalties for violations, and the responsibilities of fire marshals.

H.3177 MARINE CONSTRUCTION Rep. Seithel

This bill defines marine construction and variously includes the specialty under the licensing definitions of general contractor, mechanical contractor, or residential builder, depending upon the amount of the fee the marine construction commands.

H.3181 DIRECT ACCESS TO OBSTETRICIANS/GYNECOLOGISTS Rep. Seithel

This bill would require health benefit plans to allow female participants direct access, without referral, to obstetrical and gynecological care.

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H.3198 COMMUNITY REINVESTMENT ACT Rep. Scott

This bill creates Community Reinvestment Boards to coordinate efforts on the part of financial institutions and others to meet the credit needs of low and moderate income families in urban and rural areas and small farmers and businessmen.

H.3210 HEALTH CARE CLAIM RECOVERY ACT Rep. Seithel

This bill entitles a provider of health care goods and services who has not been paid by a patient to place a lien upon any sums which that patient may recover from liable third parties in lawsuits or through personal injury settlements.

H.3227 TOLL FREE PHONE SERVICE Rep. Kirsh

This bill provides that the Public Service Commission will require countywide toll free calling to be provided by all telephone utilities operating within a county by December 31, 1997.

H.3239 MOLD LIEN AND RETENTION ACT Rep. Walker

This bill specifies legal relationships between a molder who fabricates or uses a die, mold, form or pattern (e.g. a tool or die maker) and his customer. The bill specifies how a molder may come into legal possession of dies, molds, forms, and patterns left unclaimed by a customer, and how a molder may place a lien on these goods for debts owed him by a customer.

H.3243 GENERAL PERMITS FOR MINING OPERATIONS Rep. Sharpe

This bill authorizes the Department of Health and Environmental Control to issue general permits for the regulation of mining limited to excavations of topsoil or sand/clay fill material which do not require further processing. Civil penalties are provided for noncompliance with these general permits.

H.3250 REST ROOMS IN SERVICE STATIONS Rep. J. Brown

This bill requires all service stations or convenience stores selling gasoline and food or beverages to provide a public restroom. The requirement applies only to establishments constructed on or after July 1, 1998.

**H.3257 MEDICAL MALPRACTICE LIABILITY JOINT UNDERWRITING ASSOCIATION
Rep. Kelley**

This bill eliminates the Department of Insurance Director's role as ex officio chairman of the Board of Directors for the Medical Malpractice Liability Joint Underwriting Association. The bill also eliminates the process by which those who have a grievance with the Association may appeal to the Department of Insurance.

H.3259 DEFINITIONS OF GENERAL AND MECHANICAL CONTRACTORS Rep. Cooper

This bill increases from thirty thousand to forty-five thousand dollars the minimum cost of undertakings which characterize a "general contractor," and increases from seventeen thousand five hundred to thirty thousand dollars the minimum cost of undertakings which characterize a "mechanical contractor."

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3005 DRUG EXPIRATION DATE Rep. Kirsh

This bill requires an expiration date on the label of a drug dispensed by the filling or refilling of a written or oral prescription.

H.3013 COSMETOLOGISTS LICENSES Rep. Kirsh

This bill provides an exemption from the continuing education courses for a cosmetologist who has held a license for at least 15 consecutive years and is at least 60 years old.

H.3033 CHILDREN'S EMERGENCY MEDICAL SERVICES ACT Rep. Govan

This legislation establishes the Emergency Medical Services for Children (EMSC) Program within the Department of Health and Environmental Control (DHEC) to establish education programs for emergency medical services personnel. Programs will include training in the emergency care of infants and children, guidelines for referring children to the appropriate emergency treatment facility, and pediatric equipment guidelines for pre-hospital care. Additionally, the EMSC Program will establish pediatric care guidelines for hospital-based emergency departments, pediatric intensive care units, and other centers where children receive critical care and rehabilitation. The bill requires DHEC to hire a full-time coordinator for the EMSC program and creates the EMSC Committee, which will assist in the formulation of policy and regulations designed to improve medical care for children in this State.

H.3066 CHILDREN'S EMERGENCY MEDICAL SERVICE ACT Rep. Moody-Lawrence

This bill contains the same language as H.3033 (above).

H.3083 PHYSICIAN'S CERTIFICATE FOR BOXERS Rep. Limehouse

Current law requires a participant in a boxing match to have a physician's certificate stating that the participant is in good physical condition. This bill would require the certificate to include a statement that the participant is free of the human immunodeficiency virus (HIV) and the acquired immunodeficiency syndrome (AIDS).

H.3102 EMBALMERS AND FUNERAL HOME DIRECTORS Rep. J. Brown

This bill lists the requirements an embalmer or funeral director must follow to have his license reinstated if his license has expired. The requirements include paying a fee of \$200.00 and the current year license fee, completing the required continuing education hours, and passing a written examination pertaining to funeral directing and embalming.

H.3103 ASSISTIVE TECHNOLOGY EVALUATION Rep. J. Brown

This bill states that a person or department conducting a health screening or evaluation of a child may refer the child to an appropriate agency for an assistive technology evaluation. "Assistive technology" means a device or service which is used to improve the functional capacities of an individual with a disability.

H.3104 GOVERNOR'S COMMISSION ON BLACK MALES Rep. J. Brown

This joint resolution creates the Governor's Commission on Socially Disadvantaged Black Males to study the educational, economic and health conditions of black males in this State. The

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commission, made up of 25 members chosen by the Governor and serving without compensation, would conduct research, hold public hearings, and develop programs designed to improve the social condition of the black male.

H.3105 EXCESSIVE SOUND OR NOISE Rep. J. Brown

This bill makes it unlawful to operate a sound amplification system emanating unreasonably loud sound or noise on public property, in a motor vehicle on a public street, or on private property in a residential area. The bill includes exceptions for horns or other warning devices and for persons who have a valid permit authorizing activity likely to produce excessive noise. Violators would be subject to a fine ranging from \$50.00 to \$500.00 or imprisonment for not more than 30 days.

H.3112 OSTEOPOROSIS EDUCATION FUND Rep. Byrd

This bill establishes the Osteoporosis Education Fund to be administered by the Department of Health and Environmental Control (DHEC). The purpose of the fund would be to promote public awareness, prevention, and treatment of osteoporosis. DHEC could establish the Osteoporosis Prevention and Treatment Education Program to implement the purposes of the fund.

H.3119 PUBLIC OFFICERS AND EMPLOYEES IN THE MILITARY Rep. Klauber

State officers and employees who are in the S.C. National Guard or the reserve military forces are entitled to leaves of absence from their duties without loss of pay, time, or efficiency rating for a period not exceeding a total of 15 regularly scheduled work days in any one year. This bill stipulates that the days listed above must not exceed a total of 120 regularly scheduled work hours. Current law also provides that if a person is called upon to serve during an emergency he is entitled to an additional leave of absence for a period of time not exceeding 30 days. The bill states that these days may not exceed an aggregate of 240 hours.

H.3137 SPEECH PATHOLOGISTS AND AUDIOLOGISTS Rep. J. Brown

This bill rewrites the chapter of the S.C. Code dealing with the licensing and regulation of speech pathologists and audiologists to conform the chapter to the organization and administrative framework for licensing boards in Chapter 1, Title 40. Membership on the Board of Examiners in Speech-Language Pathology and Audiology is reduced from six to five. The powers and duties of the board are clarified in the bill. License requirements and fees for pathologists and audiologists (and their interns and assistants) are set by statute.

H.3179 FOSTER CARE PLACEMENTS Rep. Seithel

Current law provides that no child may be placed in foster care with a person who has a history of child abuse or who has been convicted of one of several offenses. This bill would prohibit the placement of a child in foster care with a person who is a homosexual or bisexual.

H.3185 VETERAN'S DAY PARADE PERMIT Rep. Davenport

This bill states that a municipality must issue a permit without cost for a Veteran's Day parade or a veteran's parade which occurs on a day other than Veteran's day.

H.3248 PATIENT'S MEDICAL RECORD Rep. S. Smith

This bill would require a hospital, nursing home, or other facility licensed by the Department of Health and Environmental Control to include and maintain as part of a patient's medical record

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any incidence or occurrence report that the hospital, nursing home, or facility makes that involves or in any way is related to the diagnosis, care, or treatment of a patient.

H.3249 CELLULAR TELEPHONE IN A PATROL CAR Rep. J. Brown

This bill requires the patrol car of each highway patrol officer and trooper to be equipped with a cellular telephone.

H.3253 POWERS OF THE ADJUTANT GENERAL

This legislation give the Adjutant General discretionary authority to order a member of the National Guard to active duty, provided the member consents to that order and funds for pay and allowances are available to the Adjutant General without additional state appropriations. The bill states that this authority is not to be construed as an exception to or limitation of the statutory and constitutional powers of the Governor in relation to the National Guard.

WAYS AND MEANS

H.3004 OUT-OF-STATE CONTRACTORS Rep. Kirsh

This bill requires out-of-state contractors to pay the State of South Carolina the same contractor taxes and fees which are imposed by their states upon South Carolina resident contractors who perform contracting work in those states.

H.3008 PROPERTY TAX EXEMPTIONS FOR BLIND Rep. Littlejohn

This bill provides that a residence wholly or jointly owned by, and occupied by, a blind and permanently and totally disabled person is exempt from property taxes.

H.3012 ABOLISHMENT OF AGENCY HEAD SALARY COMMISSION Rep. Kirsh

This bill abolishes the Agency Head Salary Commission and provides that the salary of an agency head may only be set in the annual General Appropriation Bill.

H.3016 PROHIBITION OF STATE AGENCY CHECK CASHING SERVICES Rep. Kirsh

This bill prohibits a state agency from providing check cashing services to state employees.

H.3018 FISCAL IMPACT STATEMENTS ON BILLS OR RESOLUTIONS Rep. Cromer

This bill extends the requirement for fiscal impact statements on bills or resolutions to include amendments which, if introduced as separate legislation, would require a fiscal impact statement under current law. The bill also provides that if a fiscal impact statement is not attached to such amendments, the amendment may not be considered. These provisions do not apply to the annual general appropriation bill or any supplemental appropriation bill or joint resolution.

H.3026 DENIAL OF STATE RETIREMENT SYSTEM BENEFITS Rep. Kirsh

This bill prohibits payment of retirement benefits (other than a refund of contributions) to any state officer or employee convicted of a felony. The bill also prohibits payment of benefits which would otherwise be provided to the officer's or employee's surviving spouse or other beneficiary.

H.3032 APPROPRIATION OF ADJUSTED SURPLUS GENERAL FUND REVENUES Rep. Kirsh

This bill prohibits House or Senate consideration of any bill, joint resolution, or amendment appropriating adjusted surplus general fund revenues before the Comptroller General closes the state's books on the fiscal year in which the surplus occurred. "Adjusted surplus revenues" is defined as "general fund revenues in a fiscal year in excess of the general fiscal revenue estimate contained in the annual general appropriation act applicable for that year, unreduced by the set-aside required pursuant to Section 11-11-140 and amounts transferred to the General Reserve Fund."

H.3045 PROPERTY TAX EXEMPTIONS FOR MOTOR VEHICLES Rep. Cromer

This bill exempts from property taxes motor vehicles older than ten model years.

H.3047 GENERAL ASSEMBLY STATE RETIREMENT BENEFITS Rep. Kirsh

This bill eliminates prospectively the receipt of retirement benefits under the Retirement System for Members of the General Assembly for members currently in employment covered by the SC Retirement System or the SC Police Officers' Retirement System. The bill also eliminates eligibility for a member of the Retirement System for Judges and Solicitors who has attained age 65 and is otherwise qualified to receive retirement benefits from the General Assembly Retirement System.

H.3049 SOUTH CAROLINA EDUCATION MAINTENANCE FUND Rep. Townsend

This bill establishes the SC Education Maintenance Fund into which certain sales and use, alcoholic liquor, beer and wine, soft drinks, and low-level radioactive waste tax revenues and certain revenues from alcoholic beverage violations must be deposited, and from which the General Assembly shall annually authorize expenditures solely for Education Finance Act and K-12 purposes.

H.3051 APPROPRIATION OF NON-RECURRING REVENUES Rep. Kirsh

This bill prohibits the appropriation of non-recurring revenues for a recurring purpose except upon a two-thirds vote of the total membership of the House of Representatives and of the Senate. The bill also provides that a non-recurring appropriation pursuant to this section must include a statement identifying the source of the non-recurring revenue.

H.3058 MAXIMUM SALARY FOR STATE OFFICER OR EMPLOYEE Rep. Cromer

This bill provides that no state officer or state employee, with the exception of presidents of state institutions of higher learning, may receive a salary of more than eighty thousand dollars a year for the performance of official duties. In the case of a state officer serving for a term of years during which the SC Constitution prohibits the reduction of the officer's salary, the eighty thousand dollar maximum first applies for the succeeding term.

H.3059 SEAFOOD PROCESSING FACILITIES Rep. Inabinett

This bill includes seafood processing facilities within the classification of agricultural real property for purposes of classification of property for the property tax.

**H.3064 CONSTITUTIONAL AMENDMENT RATIFIED: INVESTMENT OF
STATE RETIREMENT FUNDS** Rep. Wilkins

This bill ratifies the amendment to the South Carolina Constitution approved by voters during the 1996 general election authorizing the investment of state retirement funds.

H.3068 PROPERTY TAX EXEMPTIONS FOR HISTORIC PROPERTIES Rep. Limehouse

This bill exempts from property taxes an amount of fair market value of an owner-occupied residential property designated as an historic property represented by the difference in the fair market value of the designated property and a similar property not designated as an historic property.

H.3069 TAX CREDITS FOR INVESTMENT IN SC FILM INDUSTRY Rep. Limehouse

This bill provides a \$15,000 maximum, nonrefundable tax credit for a taxpayer's cash investment in a qualified South Carolina film enterprise. The bill also provides a maximum \$100,000, nonrefundable tax credit for construction and equipping of a motion picture production facility in South Carolina in which the taxpayer has an ownership interest.

**H.3081 HOMESTEAD EXEMPTION FOR OWNER
OVER AGE 70** Rep. Moody-Lawrence

This bill provides taxpayers who are sixty-five years and over or those who are totally and permanently disabled or legally blind who are currently receiving a \$20,000 homestead exemption allowed for those reasons, an additional homestead exemption of \$150,000 upon attaining the age of 70 years.

H.3082 PROPERTY TAX INSTALLMENT PAYMENTS Rep. Moody-Lawrence

This bill allows a taxpayer (whose property taxes are not paid by the mortgagee by escrow) to elect to pay property taxes in three installments. The election is made by filing a written notice with the county treasurer before March 1 of the tax year. First and second installments, in an amount equivalent to one-third of the total tax due on the property for the prior tax year, are due on May 1 and September 1. The balance due must be paid between September 30 and January 15. The bill provides that the tax notice for this final installment shall state the total tax due for the year, including any penalties for late payment of the first two installments, with the amount paid in installments shown as a credit against the total due. Penalties are provided for late payment of installments, not to exceed five percent of the tax due on the property for the tax year.

**H.3084 EXPENSES FOR ROAD AND BRIDGE SIGNS NAMED
FOR AN INDIVIDUAL** Rep. Limehouse

This bill prohibits the use of revenue of the state highway fund, any county's "C" funds, or other revenues derived directly or indirectly from taxes imposed by the State to pay for erecting signs for roads and bridges named for an individual by act of the General Assembly.

H.3095 RESIDENTIAL PROPERTY TAX ASSESSMENTS Rep. Inabinett

This bill provides a limit on increases in fair market value of owner-occupied residential property due to countywide reassessment while the property is occupied by the same owner or that owner's spouse. The bill provides that, for purposes of taxation, the assessed value of such

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property may not increase more than an amount equal to the increase in the cost of living in the county since the last assessment date. When the property is transferred, other than between spouses, the property must be assessed at fair market value. If the property has been owned and occupied by the same owner or the owner's spouse continuously since 1992, the assessed value may not be more than one hundred percent higher than the assessed value of the property in 1992.

H.3096 CONFEDERATE BATTLE FLAG Rep. Inabinett

This bill prohibits the use of funds appropriated by the General Assembly or personnel employed by the General Assembly for the acquisition, transportation, and delivery of the Confederate Battle Flag to members of the General Assembly or their constituents.

H.3098 NAMING OF CERTAIN PUBLIC PROPERTY Rep. Cromer

This bill provides that no public property (as delineated in the bill) purchased or constructed with state funds or otherwise acquired or owned by the State, may be named for a living person or a person who has been deceased for less than one year.

H.3113 MARTIN LUTHER KING, JR.'S BIRTHDAY Rep. J. Brown

This bill provides that the third Monday in January is a required state holiday in celebration of the birthday of Martin Luther King, Jr.

H.3124 AGENCY HEAD SALARIES Rep. Simrill

This bill provides that no raise for an agency head pursuant to a recommendation to the General Assembly by the Agency Head Salary Commission may exceed the percentage increase equal to the percentage of any cost-of-living raises provided by law for state employees in the applicable fiscal year plus a percentage equal to the average percentage of any increase allowed for merit raises for classified state employees in the applicable fiscal year.

H.3127 EDUCATIONAL FEE WAIVERS Rep. Simrill

This bill provides that under the provisions of Paragraph 72.15, Part IB of Act 458 of 1996 (the 1996-97 Appropriation Act), technical colleges as well as state-supported colleges and universities may offer education fee waivers to no more than two percent of their undergraduate student body during fiscal year 1996-97. (Paragraph 72.15, Part IB of Act 458 of 1996 states that "the institutions of higher education may offer educational fee waivers to no more than two percent of the undergraduate student body.")

H.3141 SALES TAX EXEMPTIONS Rep. J. Brown

This bill provides a sales tax exemption for prescription orthotic devices and replacement parts for prescription prosthetic and orthotic devices.

H.3147 SURPLUS GENERAL FUND REVENUES Rep. Robinson

This bill prohibits the Governor's annual budget recommendation from proposing the appropriation of surplus general fund revenues in excess of amounts officially recognized as such by the Board of Economic Advisors. The bill also prohibits the appropriation of surplus general fund revenues in excess of amounts officially recognized as such by the Board of Economic Advisors.

H.3151 REAL PROPERTY TAX BILLS Rep. Seithel

This bill requires that every property tax bill for real property must include a statement of the preceding year's tax due in each category of tax imposed for the current tax year. The requirement does not apply when improvements have been made to the property or the assessment ratio or use of the property has changed first applicable for the current property tax year.

**H.3176 UNIVERSITY OF SC ATHLETICS FACILITIES
REVENUE BONDS Rep. Felder**

This bill amends Act 518 of 1980 concerning University of South Carolina athletics facilities revenue bonds. The bill defines "net athletic revenues" as "the entire revenues derived by the athletic department of the University for any fiscal year after payment of the operating and maintenance expenses of such department but before provision is made for depreciation, amortization, nonmandatory transfers and interest expenses of the department for such fiscal year." The bill removes the twenty million dollar debt limit for these bonds and allows their use for refunding any previous authorized bonds. The bill also provides that bonds issued are payable from the admission fee, the special student fee, and net athletic revenues.

H.3186 TAX LEVY FOR RICHLAND DISTRICT ONE SCHOOLS Rep. Scott

This bill provides that the school tax levy for general operating purposes for Richland County School District One must be determined by the board of trustees of the district. Current law assigns this responsibility to the Richland County Council.

H.3192 LOTTERIES Rep. Scott

This joint resolution proposes an amendment to the Constitution of South Carolina, to be submitted to voters at the next general election for representatives, allowing lotteries. The bill provides that the lotteries would be conducted only by the State, with revenues to be divided between operational expenses of the lottery (maximum 15%), lottery prizes (maximum 50%), and nonrecurring expenses for public secondary education, public higher education, health care, water and sewer infrastructure, other capital improvements, or the reduction of bond indebtedness.

**H.3196 SC PREPAID POST-SECONDARY EDUCATION
EXPENSE PROGRAM Rep. Cromer**

This bill proposes enactment of the SC Prepaid Post-Secondary Education Expense Program, to provide a medium through which the cost of registration and dormitory residence may be paid in advance of enrollment in a state post-secondary institution at a rate lower than the projected corresponding cost at the time of actual enrollment. The bill also provides for a board (the composition, powers, and responsibilities of which are delineated in the bill), and an executive director to implement the program. The bill further provides for a state income tax deduction of certain payments for and benefits from an advance payment contract.

H.3202 SALES AND USE TAX EXEMPTIONS Rep. J. Brown

This bill provides a sales tax exemption for prescription eyeglass lenses and raw materials used in the fabrication of such lenses. The exemption does not extend to eyeglass frames.

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H.3203 PROPERTY TAX EXEMPTIONS Rep. Simrill

This bill provides that, in addition to the currently-allowed homestead exemption for taxpayers age 65 and over or those who are totally and permanently disabled or legally blind, a tax exemption is also provided for that amount of fair market value of residential property qualifying for the homestead exemption which represents increases in the fair market value of the property occurring after the property first qualifies for the homestead exemption. The exemption does not extend to increases in value attributable to permanent improvements to the property.

H.3204 PROPERTY TAX EXEMPTIONS Rep. Scott

This bill extends the current property tax exemption allowed for the property of a religious, charitable, eleemosynary, educational, or literary society to property leased or owned by such organizations.

H.3205 INCOME TAX CREDIT FOR PROPERTY TAX RELIEF ACT Rep. Scott

This bill provides that, subject to certain limitations, a claimant may claim in a year as a credit against South Carolina individual income taxes due on his income, a percentage of property taxes accrued in the preceding calendar year. If the allowable amount of the claim exceeds the income taxes due on claimant's income, the amount of the claim not used as an offset against income taxes, after certification by the department, must be paid to the claimant. Total credit may not exceed Two Hundred fifty dollars.

H.3206 PROPERTY TAX EXEMPTIONS Rep. Harvin

This bill provides a property tax exemption for that amount of increased value of residential property which results from reassessments occurring while the current owner has owned the property.

H.3211 PROPERTY TAX CREDIT FUND Rep. Seithel

This bill provides that if a special purpose district or public service district levies a tax millage in the county area, a portion of the funds distributed to the county from the Property Tax Credit Fund must be used to provide a credit against the district property tax liability of taxpayers in the district. The bill provides a method of determining the portion of the county's allocation from the Property Tax Credit Fund which the special purpose or public service district shall receive.

H.3224 STATE HEALTH AND DENTAL INSURANCE PLANS Rep. H. Brown

This bill provides that if an entity participating in the State Health and Dental Insurance Plan is delinquent in remitting payments to cover its obligations, the department or agency of the State which is holding funds payable to the delinquent entity shall withhold from those funds an amount sufficient to satisfy the unpaid obligation. The amount withheld shall then be submitted to the Office of Insurance Services in satisfaction of the delinquency.

H.3228 EDUCATIONAL FEE WAIVERS Rep. Kirsh

This bill provides that technical colleges and state-supported colleges and universities may offer educational waivers to no more than two percent of their undergraduate student body.

H.3251 STATE EMPLOYEE CROSS-CULTURAL TRAINING Rep. J. Brown

This joint resolution provides that the Human Services Coordinating Council, in cooperation with the Office of Human Resources, shall submit to the General Assembly a plan for the appropriate training of state employees to deliver certain services efficiently, cost-effectively, and cross-culturally and report annually on the implementation of this resolution.

H.3256 LOTTERIES Rep. Scott

This joint resolution proposes an amendment to the State Constitution so as to authorize lotteries conducted by the State as provided by the General Assembly. The resolution also provides for the use of the revenues derived from the lotteries, with the funds divided between operational expenses of the lottery (15% maximum), prizes for the lottery (50%), and non-recurring expenses for public secondary education, public higher education, health care, water and sewer infrastructure, other capital improvements, or for the reduction of bonded indebtedness.

H.3261 SALES TAX EXEMPTIONS Rep. Kirsh

This bill provides a sales tax exemption for food items eligible for purchase with U.S. Department of Agriculture food coupons, not including restaurant meals. The exemption is limited to twenty percent of the gross proceeds of sales or sales price of these items.